

13281  
022504

MORGAN L. FITCH, JR.  
FRANCIS A. EVEN\*  
JUDAS TABIN  
JOHN F. FLANNERY  
ROBERT B. JONES  
JAMES J. SCHUMANN  
JAMES J. HAMILL  
TIMOTHY E. LEVSTIK  
JOSEPH E. SHIPLEY  
KENNETH H. SAMPLES  
PHILIP T. PETTI  
JOSEPH T. NABOR  
STEVEN C. SCHROER  
RICHARD A. KABA\*  
KARL R. FINK  
MARK W. HETZLER  
TIMOTHY P. MALONEY  
JAMES P. KRUEGER  
STEPHEN S. FAVAKEH  
EDWARD W. GRAY, JR.\*  
RICHARD E. WAWRZYNIAK  
STEVEN G. PARMELEE  
SHERRI N. BLOUNT\*  
BRUCE R. MANSFIELD  
KENDREW H. COLTON\*  
G. PAUL EDGELL\*  
RICHARD W. SCHUMACHER  
MICHAEL A. SANZO\*

# FITCH, EVEN, TABIN & FLANNERY

ATTORNEYS AND COUNSELLORS AT LAW

Established in 1859

SUITE 401L - 1801 K STREET, NW  
WASHINGTON, D.C. 20006-1201

TELEPHONE (202) 419-7000

FACSIMILE (202) 419-7007

## ILLINOIS OFFICE

SUITE 1600 - 120 SOUTH LA SALLE STREET, CHICAGO, ILLINOIS 60603-3406

TELEPHONE (312) 577-7000

## CALIFORNIA OFFICE

SUITE 250 - 9276 SCRANTON ROAD, SAN DIEGO, CA 92121-7707

TELEPHONE (858) 552-1311

## COLORADO OFFICE

SUITE 213 - 1942 BROADWAY, BOULDER, COLORADO 80302

TELEPHONE (303) 402-6966

## CHRISTOPHER E. GEORGE\*

SCOTT J. MENGHINI  
EDWARD E. CLAIR  
SANDRA V. SCAVO  
JON A. BIRMINGHAM  
RUDY KRATZ  
RAMON R. HOCH\*  
JOHN E. LYHUS  
STEVEN M. FREELAND  
DONNA E. BECKER  
SEAN R. O'DOWD  
MICHAEL G. VRANICAR  
BRIAN S. CLISE  
MARTIN R. BADER  
DEREK L. PRESTIN  
MARK A. BORSOS  
DAVID R. JAGLOWSKI  
W. BRIAN EDGE\*

## PATENT AGENTS

ERIC J. WHITESELL  
JONATHAN H. BACKENSTOSE  
LILIA I. SAFONOV

## OF COUNSEL

THOMAS F. LEBENS  
GEORGE W. SPELLMIRE, JR.  
LISA M. SOMMER

19270 U.S. PTO  
10/785155

022504

February 25, 2004

Commissioner of Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **MS Patent Application**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Re: Continuation Patent Application  
(Continuation of U.S. 09/590,165)  
Appl. No.: to be assigned  
Filed: herewith  
For: **Novel Compounds Useful in Pain Management**  
Inventor(s): Schiller, *et al.*  
Atty. Dkt.: 7596/80982

Sir:

The following documents are being forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. A copy of application no. 09/590,165, as filed in the U.S. Patent and Trademark Office on June 9, 2000, comprising:

a title page naming Peter Schiller as inventor (unnumbered),  
15 pages of specification (numbered as pages 1-15),  
4 pages of claims (numbered as pages 16-19), and  
a one page abstract (numbered as page 20);

2. A copy of the Declaration (37 C.F.R. § 1.63) and Power of Attorney executed by inventor Peter Schiller and filed in the parent application (4 pages);
3. Preliminary Amendment (7 pages);
4. A copy of the Petition to Add Inventor Under 37 C.F.R. § 1.48(a) with Exhibits A-D attached;
5. A copy of the second Declaration Under 37 C.F.R. § 1.63 and Power of Attorney executed by inventor Peter Schiller and filed in the parent application (3 pages);
6. A copy of the Declaration Under 37 C.F.R. § 1.63 and Power of Attorney executed by inventor Hazel Szeto and filed in the parent application (3 pages);
7. A copy of the recorded Assignment to AstraZeneca AB executed by inventor Peter Schiller and filed in the parent application (4 pages);
8. A copy of the recorded Assignment to Cornell Research Foundation, Inc. executed by a representative of AstraZeneca AB and filed in the parent application (4 pages);
9. A copy of the recorded Assignment to Cornell Research Foundation, Inc. executed by inventor Hazel Szeto and filed in the parent application (4 pages);
10. General Authorization for Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(3) (1 page);
11. General Authorization to Charge Deposit Account (1 page);
12. Information Disclosure Statement (2 pages);
13. List of References Cited by Applicant (1 page); and
14. Two (2) return postcards.

This application is a continuation of U.S. application no. 09/590,165, filed on June 9, 2000. The '165 application represents U.S. national stage of international application PCT/SE00/00462, which had an international filing date of March 8, 2000, and which claims priority to Swedish application no. 9900961-5, filed on March 16, 1999.

The entire disclosure of the prior application, from which an oath or declaration is being supplied herewith in copy form, is considered a part of the disclosure of the accompanying continuation application and is hereby incorporated by reference.

In accordance with the requirements of 37 C.F.R. § 1.53(b), the present continuation application is being filed under the conditions specified in 35 U.S.C. § 120. The inventors named on this continuation application are the same as the inventors named on the parent, and the application is being filed before the patenting, or abandonment of, or termination of proceedings of the parent application (09/590,165).

We are submitting an Information Disclosure Statement which cites references originally submitted in connection with the parent application, U.S. 09/590,165. The present application relies upon 09/590,165 for priority under 35 U.S.C. § 120. Thus, in accordance with 37 C.F.R. § 1.98(d), copies of the listed references are not being submitted. If, for any reason, the Examiner cannot locate a listed reference, Applicants will be happy to submit a copy as a courtesy.

A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.

A separate written request, which is a general authorization to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, is enclosed.

Applicants' undersigned attorney hereby asserts that applicants qualify as a small entity. **Small entity status is therefore claimed** and fees will be paid accordingly.

### Fee Calculation

Applicants calculate the filing fee is as follows (Small Entity status is claimed):

	Total		No. Extra	Rate	Fee
Basic Filing Fee					385.00
Total Claims Fee	10	20=	0	\$ 9.00	0.00
Independent Claims Fee	1	3 =	0	\$ 43.00	0.00
Multiple Dependent Claims Fee				\$ 145.00	0.00
TOTAL FEES DUE					\$ 385.00

The Commissioner is hereby authorized to charge the above-listed fee to our Deposit Account No. 06-1135 under Order No. 7596/80982. The Commissioner is also authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 06-1135 under Order No. 7596/80982.

Correspondence in this case should be directed to:

Michael A. Sanzo  
Fitch, Even, Tabin & Flannery  
1801 K Street, N.W., Suite 401L  
Washington, DC 20006-1201  
Phone: (202) 419-7013  
Fax: (202) 419-7007

It is respectfully requested that the enclosed postpaid postcards be stamped with the serial number and the date the enclosed documents are received by the PTO and that they be returned as soon as possible.

Respectfully requested,

FITCH, EVEN, TABIN & FLANNERY



Michael A. Sanzo  
Attorney for Applicants  
Registration No. 36,912

MAS:ct  
Enclosures

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Schiller, *et al.*

(Cont. of Appl. No.: 09/590,165)

Filed: herewith

Appl. No.: to be assigned

For: **Novel Compounds Useful in  
Pain Management**

Art Unit: to be assigned  
(1653 in parent case)

Examiner: to be assigned  
(D. Lukton in parent case)

Atty. Dkt.: 7596/80982

**General Authorization for Petition for  
Extension of Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner of Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **MS Patent Application**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

Applicants hereby request under 37 C.F.R. §1.136(a)(3) by this general authorization that any concurrent or future reply submitted by Applicants to the United States Patent and Trademark Office for the above-identified patent application requiring a petition for an extension of time under §1.136(a) for its timely submission be treated as incorporating therein a petition for an extension of time for the appropriate length of time.

If Applicants do not timely pay for any extension fee(s) pursuant to 37 C.F.R. §1.136(a) which may become due for this application under 37 C.F.R. §1.17 by check, the Director is hereby authorized to charge such fee(s), and any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135 under Order No. 7596/80982.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By



Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicants

Date February 25, 2004  
1801 K Street, N.W., Suite 401L  
Washington, DC 20006-1201  
Phone: (202) 419-7013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Schiller, *et al.*

(Cont. of Appl. No.: 09/590,165)

Filed: herewith

Appl. No.: to be assigned

For: **Novel Compounds Useful in  
Pain Management**

Art Unit: to be assigned  
(1653 in parent case)

Examiner: to be assigned  
(D. Lukton in parent case)

Atty. Dkt.: 7596/80982

**General Authorization to Charge Deposit Account**

Commissioner of Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **MS Patent Application**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135 under Order No. 7596/80982.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By



Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicants

Date February 25, 2004  
1801 K Street, N.W., Suite 401L  
Washington, DC 20006-1201  
Phone: (202) 419-7013